

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MATTHEW GLEN MORROW,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-09-633-M
)	
JUSTIN JONES, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On August 26, 2011, the United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983. The Magistrate Judge recommended that this Court grant in part and deny in part the defendants K.C. Moon and Julie Rose-Wright's (collectively, "Moon and Rose-Wright") motion to dismiss. Specifically, the Magistrate Judge recommends that this Court: (1) deny defendants Moon and Rose-Wright's motion to dismiss on grounds of Eleventh Amendment immunity because plaintiff has alleged that Moon and Rose-Wright are not state employees; and (2) dismiss the individual capacity claims brought against defendants Moon and Rose-Wright pursuant to under 42 U.S.C. § 1983 and the Religious Land Use and Institutionalized Persons Act ("RLUIPA"). The parties were advised of their right to object to the Report and Recommendation by September 12, 2011. On September 9, 2011, Moon and Rose-Wright filed their objection. Plaintiff has not filed an objection.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on August 26, 2011 [docket 198];
- (2) DENIES defendants Moon and Rose-Wright motion to dismiss on grounds of Eleventh Amendment immunity; and

- (3) DISMISSES plaintiff's individual capacity claims brought against defendants Moon and Rose-Wright pursuant to § 1983 and RLUIPA.

IT IS SO ORDERED this 13th day of October, 2011.


VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE